

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
WASTE AND HAZARDOUS MATERIALS DIVISION

NRC Agreement State Stakeholders Workgroup  
Meeting Summary – March 31, 2005

Attendance

An attendance list is attached.

Discussion Summary

Following introductions, information on the U.S. Nuclear Regulatory Commission's proposed fee schedule for 2005 was presented by staff. Questions were raised about exemptions, and it was noted that non-profit educational institutions are exempt from NRC fees.

The remainder of the meeting focused on discussion of the responses to surveys of Agreement State regulatory agencies and licensees in Agreement States. Agreement States contacted by DEQ staff included Wisconsin, Ohio, Illinois, Texas, Minnesota, Pennsylvania, and Massachusetts. Responses were received from licensees in Massachusetts, Wisconsin and Ohio. Summaries of responses had been prepared by DEQ staff and distributed at the meeting.

The responses of licensees in Agreement States generally reflected satisfaction with the regulatory programs in those states. Advantages of an Agreement included a closer working relationship with the state inspectors, more timely responses and turn-around in license issuance, and reduced fees. Some responses indicated that problems initially experienced upon assumption of the Agreement have been remedied.

Comments from work group members included:

- It is important to consider the size of a state's radiological protection program prior to the pursuit of an Agreement.
- Problems result if a state's regulatory program lags behind NRC's rules revisions.
- Licensees in some Agreement states have no avenue to appeal the decisions of the regulatory agency.

The responses from regulatory agency representatives reflected general satisfaction with serving as an Agreement State, and confidence in the adequacy and capabilities of their programs. Many of the advantages cited by agency representatives mirrored comments by licensees.

Comments during this discussion included:

- While Agreement States base their regulatory program on NRC's current regulations, some have not kept pace with significant changes.
- There is a lack of consistency between Agreement States, and this creates difficulties for licensees that operate in a number of states.
- NARM programs seem to benefit in Agreement States.

General discussion followed on how best to proceed with rules revisions and under what conditions the work group would support pursuit of an Agreement.

- There was general consensus that Michigan's *Ionizing Radiation Rules* need to be revised and updated. One work group member suggested that rules revisions could take place without a decision on whether to pursue an Agreement. The DEQ, however, would like to have some sense for whether there was support for an Agreement prior to beginning rules revisions. There was general consensus that new rules ought to be consistent with NRC.
- Support was again voiced by work group members for the consolidation of the two radiation protection programs (DEQ and DCH). Both DEQ and DCH are willing to consider this possibility, but do not see any justification to pursue the reorganization unless there is general support for the Agreement on the part of stakeholders.
- One work group member pointed out that the use of NARM was growing in prevalence and significance relative to NRC byproduct material. Some tentative support was voiced for considering fees on NARM users as a way to generate program funds.
- One organization's representative on the work group was not supportive of the pursuit of an Agreement.

It was pointed out that a clearer sense of the cost of such an initiative is needed before any firm decisions or commitments could be made; e.g. if a second fee was charged to NRC licensees, how many years would it take to recoup those expenses. The DEQ committed to developing an outline of optional paths forward, including estimated costs. The next stakeholder's work group meeting will be tentatively scheduled in late May or early June following the development of this information.